



# UNITED STATES PATENT AND TRADEMARK OFFICE

m.f

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,276	11/26/2001	Hayashi Itoh	4777/5	1920

29540 7590 09/08/2006

PITNEY HARDIN LLP  
7 TIMES SQUARE  
NEW YORK, NY 10036-7311

EXAMINER

HOYE, MICHAEL W

ART UNIT PAPER NUMBER

2623

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/995,276		ITOH ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Michael W. Hoyer		2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 2623

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 1-13 and 15-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to multiple nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 7, 2006.

Applicants' election without traverse of claim 14 in the reply filed on August 7, 2006 is acknowledged.

### *Priority*

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Drawings*

3. The drawings (specifically see Fig. 27) are objected to under 37 CFR 1.83(a) because they fail to show the operation history section(s) 2705-2708 having any interaction or feedback with any other parts or elements as described in the specification (see pages 25-26). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number

Art Unit: 2623

of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Aras et al (USPN 5,872,588), cited by the Examiner.

As to claim 14, note the Aras et al reference which discloses the claimed receiving device as met by home station(s) 111 (see Figs. 1A-1B and col. 4, lines 41-50). The claimed data receiving section receiving a history acquisition instruction as an instruction to acquire broadcast data and an operation history is met by the I/O controller 1553 and channel selector 1558/control tuner as shown in Figs. 15 and 16 (see col. 24, line 29 – col. 25, line 41). The claimed operation

Art Unit: 2623

history management section managing an operation history content for each history acquisition instruction is met by the monitor 1555 (home station controller) as shown in Figs. 15 and 16, or the monitor controller 1707 as shown in Fig. 17 (see col. 24, line 56 – col. 26, line 31). The claimed operation history content acquisition section acquiring the operation history content corresponding to the history acquisition instruction acquired by said receiving section from the operation history management section is met by the AVI decoder 1559 in Figs. 15 and 16 (col. 24, line 65 – col. 25, line 41), in conjunction with the monitor function 1555 as described above. The claimed an operation history acquisition section acquiring an operation history from the operation history content acquired by said operation history content acquisition section is also met by the AVI decoder together with the monitor function as described above. The claimed history storage section storing the operation history acquired by said operation history acquisition section met by the working memory area 1719 and display buffer as shown in memory 1706 of Fig. 17, as well as the memory shown in the monitor system/function in Fig. 16 (col. 25, line 18 – col. 26, line 31).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aras et al (USPN 5,757,417) – Discloses a method and apparatus which collects information on subscriber selections and provides the information to an upstream node for subscriber behavior collection analysis.

Art Unit: 2623

Herz et al (USPN 6,020,883) – Discloses a system and method for scheduling broadcast of and access to video programs and other data using customer profiles.

Hattori et al (USPN 5,719,619) – Discloses a method and system which stores the history of responses to broadcast questions and determines whether or not a given person is allowed to respond to a later question based on the selection data and a result of an evaluation of the data.

Lappington et al (USPN 5,734,413) – Discloses an interactive television system where information from various services provided may be stored for later use.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is **571-272-7346**.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

**Any response to this action should be mailed to:**

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

Art Unit: 2623

United States Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.


**Or faxed to: 571-273-8300**

**Hand-delivered responses should be brought to the Customer Service Window at the address listed above.**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Michael W. Hoyer  
August 22, 2006



**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**